IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.3344 OF 2004

1. Vijaykumar @ Kumar R.Pol,
2. Suresh Mahadeo Pol,
3. Vaibhav Shankar Deshmukh,
4. Dattatraya Pandurang Pol,
5. Balu Yeshwant Pol,
6. Vitthal Shankar Pol,
7. Nana Mahadev Pol, .. Applicants

Vs

State of Maharashtra, .. Respondent

Mr S.A.Ingawale, for the applicants.

Mr V.B.Konde-Deshmukh, APP for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 16th AUGUST, 2004.

PC:

1. Heard Mr.Ingawale, learned counsel for the applicants and Mr.Konde-Deshmukh, learned A.P.P for the respondent.

2. This application under section 438 of the Cr.P.C is filed by the applicants in C.R.No.16 of 2004 registered at Dahivadi Police Station, Satara, mainly under sections 323 and 436 of Indian Penal Code. It is the prosecution case that the present applicants along with

50 persons committed riot on 15.3.2004 at 10 am in which they allegedly ransacked the house of the complainant and some other witnesses. In the said occurrence, the complainant sustained injuries. There does not seem to be any dispute that none of the applicants were armed with any weapon and that they used such weapon for giving assault to the witnesses. No specific role has been attributed to the applicants. This Court in Criminal Application No.1546 of 2004 , has granted anticipatory bail to the accused involved in the instant C.R. by order dated 27.4.2004. Mr Ingawale, learned counsel for the applicants, submits that there is absolutely no difference between the role allegedly played by the applicants and the applicants-accused in Criminal Application No.1546 of 2004 and, therefore, they are entitled for bail on parity. Mr Konde-Deshmukh, learned APP did not controvert the statement made by Mr Ingawale, learned counsel for the applicants. Keeping that in view and considering the order dated 27.4.2004 and the other material placed before me, I am inclined to grant this application seeking anticipatory bail.

3. The applicants are directed to be enlarged on bail, in the event of their arrest in C.R.No.16 of 2004 registered at Dahiwadi Police Station, Satara, on their

furnishing a personal bond of Rs.20,000/- each and one or two sureties of the like amount to the satisfaction of the Station Officer of the said Police Station subject to the condition that they shall report to the said police station every day between 10 am and 11 am for a period of seven days from tomorrow, i.e.17.8.04, for interrogation and, thereafter, every Saturday between 10 am and 11 am as and when required until the conclusion of their trial.

. While allowing this application, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall deal with the case uninfluenced by the observations made in this order.

. The Criminal Application is disposed of.

. Parties to act on the authenticated copy of this order which may be made available to them.

(D.B.BHOSALE, J.)